

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

And

NATURAL RESOURCES DEFENSE
COUNCIL, INC. AND SIERRA CLUB,

Proposed Intervenor-Plaintiffs,

v.

DTE ENERGY COMPANY AND
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven Whalen

ORDER

This matter is before the Court on Defendants' Ex Parte Motion for Leave to File Exhibits Under Seal and in the Traditional Manner. Upon consideration of this Motion, the Court's Stipulated Protective Order Regarding Confidential Information and Documents (Doc. No. 39), and all related materials, the Court finds good cause to grant the Motion regarding Appendix B to the Report of Jerry L. Golden (which is Attachment A to the Declaration of Jerry L. Golden) and Appendix C to the Declaration of Michael J. King, which are being submitted in support of Detroit Edison's Opposition to Plaintiff's Motion for Preliminary Injunction. In particular, it appears that these exhibits contain information that: (1) Defendants or certain non-parties consider sensitive business or other confidential information; and/or (2) is subject to a protective order in at least one other district court case prohibiting its unauthorized disclosure.

Moreover, the Court finds that filing in the traditional manner is appropriate because the exhibits are in CD-ROM format.

Accordingly, Defendants' motion is **GRANTED** and Appendix B to the Report of Jerry L. Golden and Appendix C to the Declaration of Michael J. King shall be filed under seal and in the traditional manner.

Date: November 9, 2010

s/Bernard A. Friedman_____
SENIOR DISTRICT COURT JUDGE